

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: LEVAQUIN PRODUCTS LIABILITY
LITIGATION

MDL No. 08-1943 (JRT)

This Document Relates to:

Civil No. 06-3728

Sharon Johnson and Harold Wampler

v.

Johnson & Johnson, *et al.*

Civil No. 07-1862

Richard Kirkes, William Laufenberg and
Billie Johnson

v.

Ortho McNeil Pharmaceutical, Inc., *et al.*

PRETRIAL ORDER # 10

Civil No. 07-3960

Calvin Christensen, Edward Karkoska,
Jerry Cullins and Wilfred Delude

v.

Ortho McNeil Pharmaceutical, Inc., *et al.*

Civil No. 08-5745

Eugene Martinka

v.

Johnson & Johnson, *et al.*

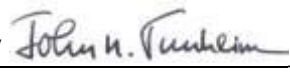
Ronald S. Goldser, **ZIMMERMAN REED, PLLP**, 1100 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402; and Lewis J. Saul, **LEWIS SAUL & ASSOCIATES**, 183 Middle Street, Suite 200, Portland, ME 04101, for plaintiffs.

John Dames, **DRINKER BIDDLE & REATH LLP**, 191 North Wacker Drive, Suite 3700, Chicago, IL 60606-1698; James Irwin, **IRWIN FRITCHIE URQUHART & MOORE, LLC.**, 400 Poydras Street, Suite 2700, New Orleans, LA 70130, and Tracy J. Van Steenburgh, **NILAN JOHNSON LEWIS, PA**, Suite 400, 120 South Sixth Street, Minneapolis, MN 55402, for defendants.

In Pretrial Order No. 6, the Court, upon recommendation by the parties, designated six individual plaintiffs (Phase I plaintiffs) from the Multi-District Litigation cases to be tried as possible bellwether cases. (Docket No. 1036.) The remaining five Phase I plaintiffs are Sharon Johnson (06-3728), Richard Kirkes (07-1862), Calvin Christensen and Edward Karkoska (07-3960), and Eugene Martinka (08-5745). The first bellwether trial involving the sixth Phase I plaintiff, John Schedin, was tried before the Court and a jury in November 2010. *Schedin v. Ortho-McNeil-Janssen Pharmaceuticals, Inc.* (08-5743.) After consultation with and argument by the parties, the Court finds that one of the Phase I plaintiffs, Edward Karkoska (07-3960), should be stricken from the list of potential bellwether plaintiffs, as not ready for trial and possibly subject to dismissal.

At this stage, it is the Court's intent to permit defendants to choose the next plaintiff for a bellwether trial from the remaining Phase I plaintiffs identified in Pretrial Order No. 6. The Court has indicated its present intent that the trial be commenced on May 31, 2011 at 9:00 A.M. The trial will be held in Courtroom 13E at the United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.

DATED: March 8, 2011
at Minneapolis, Minnesota.

s/ 

JOHN R. TUNHEIM
United States District Judge